



Paper No. 12

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SEP 27 2000

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PHOENIX, AZ 85004

**SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS**

In re Application of
Blandina, Berry & Belczynski
Application No. 09/241,188
Filed: February 1, 1999
Attorney Docket No. 10655.7117
For: STORED VALUE TRANSACTION SYSTEM :
HAVING AN INTEGRATED DATABASE
SERVER :

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: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
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This is a decision on the renewed petition under 37 CFR 1.47(a), filed August 17, 2000.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 1, 1999 without an executed oath or declaration. Accordingly, on February 17, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on May 17, 1999, a petition for a one month extension of time and accompanying fee, a statement of facts by Mr. Howard I. Sobelman, the surcharge, and the instant petition and petition fee were filed. In his statement of facts, Mr. Howard I. Sobelman, an attorney at the law firm of Snell & Wilmer LLP, alleges that Mr. Bradley P. Pollock, the attorney for the non-joining inventors, Ms. Mari Belczynski and Mr. Robert Berry, received a copy of the application for his clients' review and signature. Mr. Sobelman has provided a copy of a January 28, 1999 letter from Mr. Pollock to Mr. Sobelman that states Mr. Berry and Ms. Belczynski were provided with an incomplete application. Mr. Sobelman also states that it is his belief that Mr. Berry and Ms. Belczynski are refusing to sign the Declaration because despite repeated requests that they sign it, he has not received an executed declaration. The petition under 37 CFR 1.47(a), filed May 17, 1999, was dismissed on July 18, 2000 for failure to (1) establish that the non-signing inventors received a complete copy of the application, (2) submit an oath/declaration in compliance with 37 CFR 1.63 and 1.64 signed by the available joint inventor and (3) provide a statement of both inventors' last known address.

The Request for Reconsideration, filed August 17, 2000, points to evidence that establishes that the two non-signing inventors received a copy of the full patent application including the specification with claims, drawings and a new declaration. Petitioner also includes a statement of last known address for both non-signing inventors.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,

- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The spaces in the declaration for Mr. Berry's and Ms. Belczynski's residence, citizenship, and post office address are blank. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicant on behalf of Mr. Berry and Ms. Belczynski is REQUIRED. See MPEP 409.03(a).

Regarding the request to direct all correspondence to the law firm of Snell & Wilmer L.L.P., petitioner should be aware that no one has been empowered to act as attorney of record in the above-identified application. Only an attorney of record may designate a correspondence address. 37 CFR 1.33. Until a proper declaration/power of attorney is accepted by the Office, the Office will mail correspondence to the address listed on the initial filing.

The \$130.00 petition fee filed with the Request for Reconsideration is unnecessary and will be refunded to petitioner's deposit account, 19-2814.

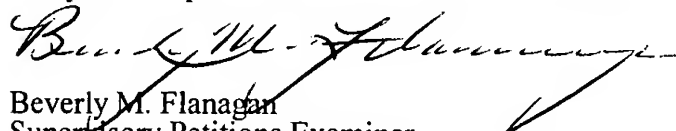
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Special Program Law Office

By hand: Special Program Law Office
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: SNELL & WILMER L.L.P.
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